

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-104**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other: 08/18/2017		5. DATE OF REQUEST: 12/11/2017	NEED RESPONSE BY: 12/31/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Stanislaus	
3. PHONE NO.: EMAIL:		7. SUBJECT: Student Eligibility	
4. REGULATION CITE(S): 63-406, I-36-12		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). 63-406, I-36-12	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

1. 63-406.1 states that any person 18-49, physically and mentally fit for employment and enrolled at least half time of higher education is ineligible to participate in CF, unless that person complies with eligibility requirements. When looking at the number of units the student is taking, do we look at the term/semester or the number the student is taking at the moment? Example, we have a student who does not meet a student eligibility exemption and is not meeting eligibility requirements in 63-406.2. The student is attending higher educations and taking 6 units (which is half time) for the semester at the local community college; however, he is taking two short term classes during the semest for the units. The semester is January - May. The student is taking 4 units for the first 6 weeks of the semester and then this class ends. After this class ends, the student is taking 2 units the remainder of the semester. My questions, is would this student be considered to be enrolled part time since the units do not overlap?

2. See second page.

10. REQUESTOR'S PROPOSED ANSWER:

1. Yes this student would be eligible to CF because the student was not taking all 6 units (half time), for the same time during the semester, the student is not considered to be attending half time.

2. The student does not meet CF eligibility for the current term and is considered an ineligible student. Because the student is currently attending a higher institution at least half time the fact that he does not plan to enroll for a future does not make him eligible. The student would then need to apply for CF, once the current school term ends and potentially be eligible, based on his statement that he is not planning on enrolling.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Response to question 1: Per AB 214, which supersedes current regulations since it became in effect 1-1-18, states that "a student shall be determined to be attending at least half-time any semester or term in which he or she enrolls in at least half of the number of credits needed each semester or term to graduate within four years of enrollment as a first-time freshman, or within two years of enrollment as a transfer student." In the scenario provided, the student is considered a half time student when he applies due to the six units he will take during the same term/semester. He would be denied eligibility as he is not satisfying the student eligibility or exemption requirements at the time he applied for CalFresh.

Response to Question 2: The student is ineligible for CalFresh since he is not satisfying student eligibility criteria and does not qualify for an exemption. Consistent with instructions in ACIN I-36-12, the student's statement concerning future school attendance is irrelevant for purposes of determining CalFresh eligibility if he is a half time student on the date of application.

FOR CDSS USE

DATE RECEIVED: 12/11/2017	DATE RESPONDED TO COUNTY/ALJ: 1/8/2018 (RN)
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CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#17-104**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 08/18/2017	NEED RESPONSE BY:
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	EMAIL:	7. SUBJECT:	
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2. The other questions about student eligibility, we have a student attending higher education at least part time for a current school term who does not meet an exemption and does not meet eligibility requirements in 63-406.2. Even though the current term he is attending more than half time, he is stating that because he is not planning on enrolling for a the next term, the county should not consider his student status this school term (based on the ACIN). He has filed for a hearing. Would this student be eligible for the current term (with at least half time status), if next semester he is not planning on enrolling at least half time? This is a new application and we did deny his application as he was currently enrolled half time.